

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

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69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rito de Tierra Amarilla, Section 7

Subfile No.: CHTA-004-0036

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

**ROSINA L. PHILLIPS**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.

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**JUL 25 2003**

OFFICE OF THE STATE **ENGINEER**  
LEGAL SERVICES DIVISION

7231

3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.
4. The rights of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, are set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer File No(s):** 0430

**Priority:** Reserved for future determination by court order entered November 26, 2001

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** TIERRA AMARILLA COMMUNITY DITCH

**Location X:** 1,557,188 feet **Y:** 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	13.8 acres
Total	13.8 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 4.

**Amount of Water:** Reserved for future determination by court order entered November 26, 2001

5. Defendant(s) have no surface water rights in the Rio Chama Stream System,

Rito de Tierra Amarilla, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.

6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System. Rito de Tierra Amarilla, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

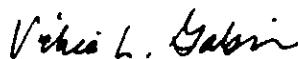
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rito de Tierra Amarilla, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

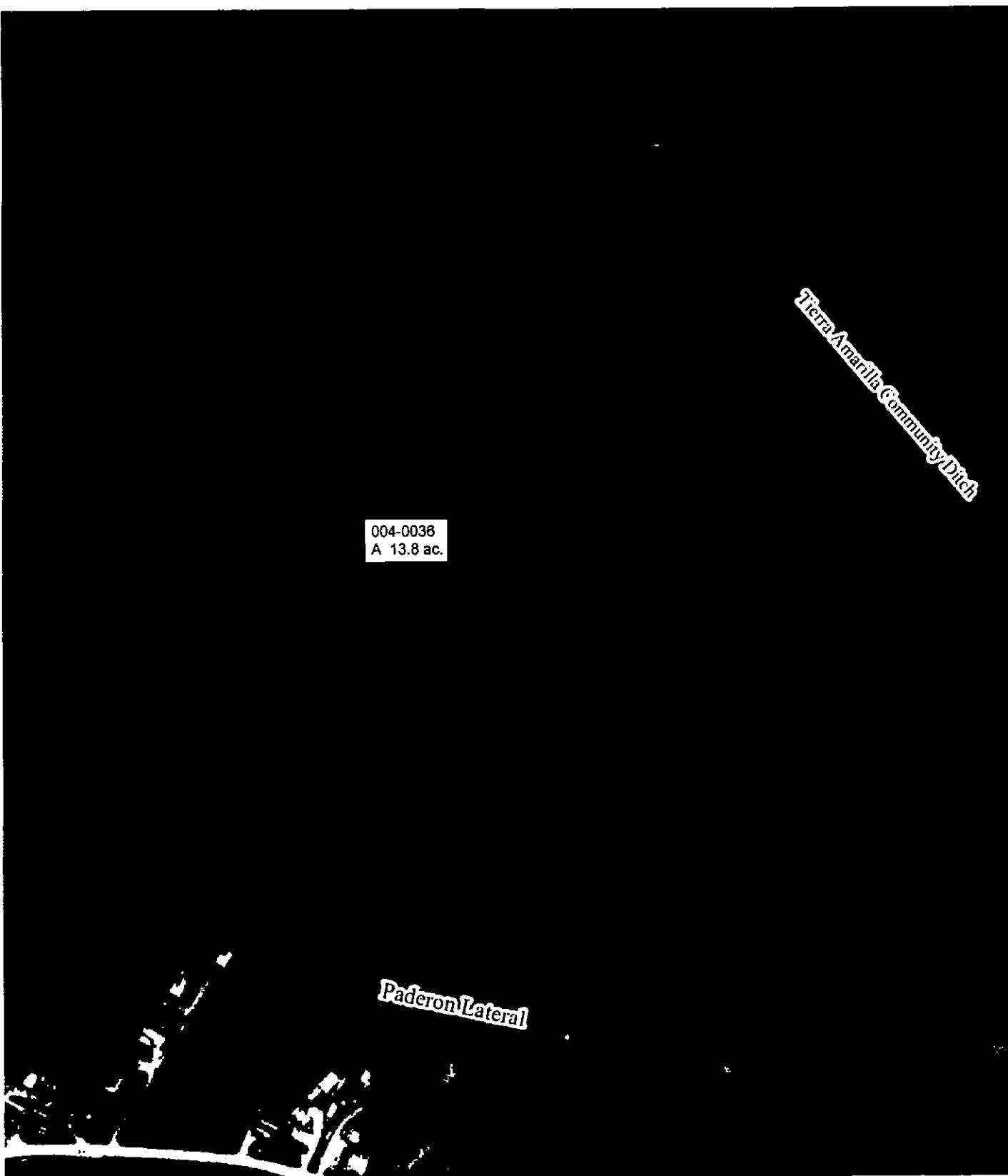
ACCEPTED: Rosina L Phillips  
[REDACTED] ROSINA L. PHILLIPS

ADDRESS: Rt 1 Box 514A  
Tuskegee, AL 36081

DATE: 7/22/03

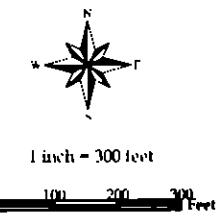
Edward G. Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

7-25-03  
Date



004-0036  
A 13.8 ac.

LEGEND	
	Irrigated Tract Boundary
	No Right Tract Boundary
	Seeped Area
	Operable Ditch
	Inoperable Ditch
	Stock Ponds / Reservoir
	Point of Diversion
	Fallow
	No Right



STATE OF NEW MEXICO  
Office of the State Engineer  
Thomas C. Turney, State Engineer

Rio Chama Hydrographic Survey  
Rito de Tierra Amarilla Section

Subfile Number  
CHTA- 004- 0036  
Tierra Amarilla  
Community Ditch  
January 12, 2001

